

Notice of Allowability

Application No.

09/625,048

Examiner

Narayanswamy Subramanian

Applicant(s)

FISHER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/7/2005.
2. ☒ The allowed claim(s) is/are 1-20,25 and 28.
3. ☒ The drawings filed on 25 July 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This is in response to communication dated January 7, 2005. Amendments to claims 1, 14 and 25, cancellation of claims 21-24, 26 and 27 and addition of new claim 28 have been entered. Claims 1-20, 25 and 28 are currently pending in the application.

Allowable Subject Matter

2. Claims 1-20, 25 and 28 are allowed.
3. The following is an examiner's statement of reasons for allowance:
4. The closest valid prior art (Cooperstein US Patent 5,893,071) discloses a Cooperstein discloses a system and method for administering variable annuity contracts, said system and method including memory means for storing data relating to at least one variable annuity contract of a contract-owner including a premium amount paid by said contract-owner in a first contract year, said annuity contract having associated withdrawal charge percentages for each of a plurality of contract years.

Even though, the prior art teaches a method and system for performing the above mentioned steps, the prior art of record fails to teach a system and method for administering variable annuity contracts including the steps of variable annuity contract having an associated bonus investment credit percentage, each withdrawal charge percentage being less than or equal to said bonus investment credit percentage, and an asset-based compensation percentage constant over all contract years. For these reasons claims 1 and 14 are deemed to be allowable over the cited prior art, and claims 2-13, 15-20, 25 and 28 are allowable by dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Gallagher (Pub. No. US 2002/0046110 A1) April 18, 2002, Administering incentive Award Program

(b) Williams et al (Pub. No. US 2001/0177022 A1) September 9, 2004, Methods for Issuing, Distributing, Managing and Redeeming Investment Instruments Providing Securitized Annuity

© Koppes et al (Pub. No. US 2004/0215493 A1) October 28, 2004, System For Managing a Stable Value Protected Investment Plan

(d) Schirripa (US 6,275,807 B1) August 14, 2001, Computer System and Methods for Management and Control of Annuities and Distribution of Annuity Payments

(e) Feidelson et al (US 6,345,261 B1) February 5, 2002, Customer Loyalty Investment Program

(f) Lewis et al (US 6,611,815 B1) August 26, 2003, Method and System for Providing Account Values in an Annuity with Life Contingencies

(g) Bennett (US 5,761,441) June 2, 1998, Data Processing System for Analyzing and administering a stock Investment Limited-recourse Borrowing Contract

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is

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(703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065. The fax phone number for the Patent Office where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

N. Subramanian
February 16, 2005



HANI M. KAZIMI
PRIMARY EXAMINER